

**AIRGRAM**

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HANDLING

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SUGGESTED DISTRIBUTION

Enclosed is the text of the Agreement Between the Government of Malaysia and the Government of Thailand on Border Cooperation, signed March 4, 1977, by Foreign Minister Tengku Rithauddeen and Foreign Minister Uppadit.

Enclosure:  
As stated

UNDERHILL

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PEN.3/77/22(HALUAR)

EMBARGO: Not for publication or broadcast  
before 3.00 p.m. on March 6, 1977

AGREEMENT BETWEEN THE GOVERNMENT OF MALAYSIA  
AND THE GOVERNMENT OF THAILAND ON BORDER  
COOPERATION

The Ministry of Foreign Affairs has issued the following :-

The Government of Malaysia and the Government of Thailand,

Desirous of strengthening further the existing bond of friendship  
and neighbourly ties between the two countries;

Determined to take effective measures to counter and eliminate  
the Communist Terrorists and members of their related organisations  
along the Malaysian and Thai border and to intensify their cooperation  
on other matters pertaining to their mutual interests in order to find  
effective solutions to problems arising therefrom;

Having Reviewed the Agreement between the Government of Malaysia  
and the Government of Thailand on Border Cooperation between the two  
countries signed on 7th March, 1970 which was based on the Agreement on  
13th March, 1965;

Having noted that amendments are necessary in order to accommodate  
changing situations and circumstances;

Have agreed that the Agreement be revised as follows:

ARTICLE I

1. There shall be a 'General Border Committee' consisting of two  
Joint-Chairmen and other members appointed by their respective  
Governments. Such appointments shall be communicated by an Exchange of  
Letters between the two Governments.

The terms of reference of the General Border Committee shall be  
as follows:

- (a) to meet, consider and adopt measures to counter and  
eliminate Communist Terrorists and members of their  
related organisations along the Malaysian and Thai border  
and other measures on matters falling within the purview  
of this Agreement;
- (b) to issue directives to the Regional Border Committee  
as referred to in Article II and to supervise and monitor  
the implementation of the said directives;
- (c) to be responsible for the proper functioning of the  
Regional Border Committee in accordance with the approved  
terms of reference of the said Committee;
- (d) to appoint an ad hoc committee to deal with any particular  
problem within its purview;
- (e) to submit periodic reports to their respective Governments  
on matters relating to sub-paragraph (a) above; and

(more)

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- (f) to consider recommendations submitted by or to review measures taken by the Regional Border Committee.
3. In exercising its functions under paragraph 2 above, the General Border Committee may, from time to time, decide:
- (a) on procedural matters to be adopted by the Regional Border Committee;
  - (b) on the delegation of its authority to the Joint-Chairmen of the Regional Border Committee in relation to any Security Forces operations falling under its responsibility;
  - (c) on the terms of reference of an ad hoc committee appointed by it;
  - (d) on the appointment of the Joint-Chairmen of the Regional Border Committee and the composition of the said Committee as recommended by its Joint-Chairmen; and
  - (e) on the appointment of the Chief of the Regional Border Committee Office and the organisations of the said office.
4. The General Border Committee shall hold its meeting once a year alternately in Malaysia and Thailand at places to be agreed upon by the Joint-Chairmen.
5. Notwithstanding paragraph 4 above, the Joint-Chairmen and/or their representatives with full power may, from time to time, meet and decide on urgent matters relating to the functions of the General Border Committee.
6. There may be direct communication by telegram or letter between the Joint-Chairmen of the General Border Committee which shall be passed through normal diplomatic channels, provided that in urgent cases requiring immediate attention such communications may be passed through other means.

#### ARTICLE II

1. There shall be a "Regional Border Committee" consisting of two Joint-Chairmen and other members to be appointed by the respective Joint-Chairmen of the General Border Committee. In the case of other members, their appointment shall be made on the recommendation of the respective Joint-Chairmen of the Regional Border Committee.
2. In the exercise of its functions, the Regional Border Committee shall establish an office to be known as the Regional Border Committee Office which shall be jointly staffed.
3. The terms of reference of the Regional Border Committee shall be as follows :
- (a) in accordance with the directives laid down by the General Border Committee, to confer on measures to be adopted;
  - (b) to deal with specific problems which may be referred to it by the General Border Committee, such as resource control;

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ARTICLE VI

1. This Agreement shall come into force on the day of the signature by the duly authorised representatives of the Government of Malaysia and the Government of Thailand, and, on its coming into force, the previous Agreement referred to in the preamble signed on March 7, 1970 shall cease to have effect.

2. This Agreement may be terminated at the expiry of three months after a written notice to that effect has been communicated by either Government to the other.

IN WITNESS WHEREOF, the undersigned being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE at Bangkok this 4th day of March, 1977 in six originals, two each in the Malay, Thai and English languages, all texts being equally authentic; and in case of any divergence of interpretation between any of the texts, the English text shall prevail.

KUALA LUMPUR,  
6th Mar, 1977.

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- (c) to supervise the functions of the Regional Border Committee Office and to consider recommendations submitted by it;
- (d) to ensure that the Security Forces assigned for border operations are properly utilised or deployed in accordance with the approved directives of the General Border Committee and to report their activities to the General Border Committee;
- (e) to issue appropriate directives, instructions and orders to the Combined Task Force Commanders;
- (f) to coordinate the planning and implementation of psychological warfare against communist terrorists and members of their related organisations along the Malaysian and Thai border; and
- (g) to ensure that all intelligence collected by the various intelligence units of both sides for the purposes of this Agreement are properly collated, assessed and disseminated.

4. The Regional Border Committee shall meet twice a year alternately in Malaysia and Thailand at places to be agreed upon by its Joint-Chairmen.

5. Notwithstanding paragraph 4 above, the Joint-Chairmen and/or their representatives with full power may, from time to time, meet and decide on urgent operational matters relating to the functions of the Regional Border Committee.

6. To ensure effective and instantaneous communication between the Joint-Chairmen of the Regional Border Committee at all times, a system of direct communications and liaisons shall be set up and maintained between them.

#### ARTICLE III

1. For the purpose of ensuring more effective measures towards the elimination of communist terrorists and members of their related organisations along the Malaysian and Thai border, security forces of either country may be allowed to conduct the following operations :-

- (a) Combined Operations : The operations are planned jointly at the appropriate level not below that of Combined Task Force Headquarters involving the use of security forces of both countries to be deployed, right from the start, on either side of the Malaysian and Thai border against targets in the area;
- (b) Coordinated Operations : The operations are conducted by security forces of both countries against targets located within their respective territories along the border, the effects or consequences of which may extend to the other side of the border. The plan for such operations shall be coordinated by both the Combined Task Force Headquarters and should envisage the possibility of the security forces of one country to effect a shallow border crossing for a limited period to deal with the targets. The Combined Task Force Headquarters of the security forces effecting the border crossing will inform immediately of this happening to the opposite Combined Task Force Headquarters and the Regional Border Committee Office so that necessary adjustments can be made to the plan;

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- (c) Unilateral Operations : The operations are normally carried out independently by the security forces of each country within its own respective border area. In the event of a contact with the enemy, the security forces of either country can effect border crossing. The Combined Task Force Headquarters of the country concerned shall inform its opposite Combined Task Force Headquarters and the Regional Border Committee Office of the crossing, and seek permission for the distance and duration allowed for such crossing;
- (d) For the purposes of sub-paragraphs (a), (b) and (c) above, permission may be granted for the entry of escort, patrol, convoy, resupply, and the carrying out of medical and casualty evacuations.

2. For the purposes of this Agreement :

- (a) "Security forces" shall include military personnel, Border Patrol Police, Police Field Force, any other Police and para-military personnel;
- (b) "Escort, patrol, convoy, resupply, and the carrying out of medical and casualty evacuations" shall include the use of vehicles, armoured personnel carriers, aircraft and vessels in use by the security forces of either side.

3. With the exception of the agreed number of the joint staff of the Regional Border Committee Office, the liaison officers and members of the intelligence field teams, no security forces of one country will be stationed in the territory of the other. The security forces taking part in the operations will return to their respective home bases at the conclusion of each particular operation.

4. No operations shall be carried out within the perimeter limits of any municipal/sanitary area on the Thai side of the border or any town/local council area on the Malaysian side without prior consent of the respective Joint-Chairmen of the Regional Border Committee.

#### ARTICLE IV

1. There shall be a designated "Combined Task Force Headquarters" on each side of the border, responsible for the detailed conduct of operations against the communist terrorists and members of their related organisations along the Malaysian and Thai border and an appropriate number of staff members shall be made available to the Headquarters to carry out their functions.

2. The commander for combined operations to this Agreement shall be the designated Malaysian commander when such operations are mounted in Malaysia and the designated Thai commander when operations are mounted in Thailand. The said commanders shall be responsible for exercising operational control of all forces assigned to them for the said operations.

#### ARTICLE V

All operations carried out shall be in accordance with the laws and the regulations of the respective countries and in conformity with International Law.

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